

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No. 20cr10126
)	
v.)	Violations:
)	
PHILIP COOKE,)	<u>Count One</u> : Conspiracy to Commit
)	Cyberstalking
Defendant)	(18 U.S.C. § 371)
)	
)	<u>Count Two</u> : Conspiracy to Tamper with a
)	Witness
)	(18 U.S.C. § 371)

INFORMATION

At all times relevant to this Information:

General Allegations

1. eBay was a multinational ecommerce business listed on the Fortune 500. eBay operated marketplaces that connected online sellers and their customers.
2. Defendant Philip Cooke (“COOKE”) lived in San Jose, California. A former police captain in Santa Clara, California, COOKE supervised security operations at eBay’s European and Asian offices.
3. Jim Baugh (“Baugh”) lived in San Jose, California. Baugh was eBay’s Senior Director of Safety & Security. He ran eBay’s Global Security and Resiliency (“GSR”) business, a company division responsible for, in general terms, the physical security of eBay’s employees and facilities worldwide.
4. Stephanie Popp (“Popp”) lived in San Jose, California. Popp was eBay’s Senior Manager of Global Intelligence. She served as Baugh’s de facto chief of staff. Before May

2019, Popp managed eBay's Global Intelligence Center ("GIC"), an intelligence and analytics group within the GSR that supported eBay's security operations.

5. Stephanie Stockwell ("Stockwell") lived in Redwood City, California. Stockwell was an intelligence analyst in the GIC who became its manager in mid-2019, when eBay assigned Popp to work directly with Baugh.

6. Veronica Zea ("Zea") lived in Santa Clara, California. Zea was an eBay contractor who worked as an intelligence analyst in the GIC.

7. Brian Gilbert ("Gilbert") lived in San Jose, California. Gilbert was a Senior Manager of Special Operations for eBay's Global Security Team. A former police captain in Santa Clara, California, Gilbert was responsible for, among other things, executive protection, special events security, and safety at eBay's North American offices.

8. David Harville ("Harville") lived in Gilroy, California. Harville, who reported directly to Baugh, was eBay's Director of Global Resiliency, a unit focused on ensuring that eBay could continue to operate worldwide after business disruptions, such as security threats, political unrest, or natural disasters.

9. Victim 1 lived in Natick, Massachusetts. Victim 1 was a reporter and editor of an online newsletter ("the Newsletter") that covered ecommerce companies, including eBay. Victim 1 used a Twitter account in the Newsletter's name to promote her reporting.

10. Victim 2 lived in Natick and was married to Victim 1. He was the Publisher of the Newsletter.

11. Several eBay executives perceived a threat to eBay's public image in the Newsletter's coverage.

12. The defendant and his coconspirators knew that some in eBay's senior leadership disliked both the Newsletter's content and comments that the Newsletter's readers posted underneath Victim 1's articles.

13. In August 2019, as described below, the defendant and his coconspirators engaged in an extensive harassment campaign targeting Victims 1 and 2. The campaign included sending threatening communications to the Victims, ordering unwanted and disturbing deliveries to their home, and Zea, Harville, Baugh, and Popp travelling to Natick to surveil the Victims in their home and community.

14. After the Victims spotted one of the surveillance teams, the Natick Police Department ("NPD") investigated, connected Zea and Harville to eBay, and reached out to eBay for assistance.

15. When COOKE, Baugh, Gilbert, Harville, Popp, Stockwell, and Zea learned that the NPD was making inquiries, they took steps described below to prevent the NPD from learning about the harassment campaign.

Overview of the Cyberstalking Conspiracy

16. Beginning on or about August 5, 2019 and continuing through at least August 23, 2019, COOKE conspired with Gilbert, Popp, Baugh, Stockwell, Harville, Zea, and others to harass Victims 1 and 2 through repeated and hostile Twitter messages, deliveries of unwanted—and in some instances disturbing—items to the Victims' home, and physical surveillance. The defendant and his coconspirators intended to cause the Victims distress and to distract them from publishing the Newsletter. After they caused such distress, Gilbert contacted Victim 1, identified himself as an eBay employee, claimed that the company had seen and was concerned

by the online harassment of the Victims, and offered eBay's help. In essence, the plan was for eBay to arrive to "rescue" the Victims from the very harassment that the defendant and his coconspirators had themselves created in order to earn the Victims' good will (hereinafter referred to as the "White Knight Strategy"). Defendant COOKE and his coconspirators believed that the cyberstalking campaign would curtail both the Newsletter's coverage of eBay and the anonymous comments beneath it, and thereby please eBay's senior management.

Object and Purpose of the Cyberstalking Conspiracy

17. The object and purpose of the cyberstalking conspiracy was to engage in a cyberstalking campaign targeting the Victims, to harass them, and to create an opportunity for eBay (through Gilbert) to approach the Victims, offer assistance, and create a positive impression of eBay that would be reflected in Victim 1's reporting in the Newsletter.

Manner and Means of the Cyberstalking Conspiracy

18. Among the manner and means by which COOKE conspired with Gilbert, Popp, Stockwell, Zea, Baugh, Harville, and others to carry out the cyberstalking conspiracy were the following:

- a. Creating Twitter accounts in false names and using them to send harassing messages to and about Victim 1 and the Newsletter.
- b. Selecting ominous Twitter account names and profile photos.
- c. Sending private and threatening direct messages ("DMs") to Victim 1's Twitter account.
- d. Publicly posting the Victims' home address on Twitter, while suggesting in a threatening manner that eBay sellers who were angry about the Newsletter's coverage should visit the Victims' home.
- e. Sending unwanted and scary items and services to the Victims' home, and items intended to embarrass the Victims to their neighbors' addresses.

- f. Posting online advertisements for fictitious events at the Victims' home to encourage others to visit them there.
- g. Signing the Victims up for unwanted emails and online newsletters.
- h. Traveling to Boston and to Natick to surveil the Victims in their home and in their community.
- i. Disguising their roles in the conspiracy by ordering the harassing deliveries with burner cell phones and laptops, VPN services, overseas email accounts, and prepaid debit cards purchased with cash.

Overt Acts in Furtherance of the Cyberstalking Conspiracy

19. From on or about August 5, 2019 and continuing through at least August 23, 2019, COOKE, together with Gilbert, Popp, Stockwell, Zea, Baugh, Harville, and others committed and caused to be committed the following overt acts, among others, in furtherance of the cyberstalking conspiracy:

- a. On or about August 6, 2019, COOKE met with Baugh, Popp and Gilbert at eBay headquarters to discuss sending harassing DMs and public messages to implement the White Knight Strategy.
- b. On or about August 6, 2019, Popp created a WhatsApp group that included COOKE, Baugh, Gilbert and Popp, that would be used to vet proposed harassing DMs and public messages.
- c. On August 6, 2019, at a San Jose, California Best Buy, Stockwell purchased a laptop computer for use in the harassment campaign.
- d. On August 6, 2019, Popp created a Twitter Account in the name of "@Tui_Elei" that used a picture of a skeleton mask as a profile picture.
- e. On August 7, 2019, Popp sent the following DMs to Victim 1's Twitter account:

- “[Victim 1’s First Name]...whats your problem w/ebay? You know that’s how we pay rent.”
 - “HELLO!!!!!!!”
- f. On August 8, 2019, Zea purchased prepaid debit cards with cash at a Safeway in Santa Clara, California for use in ordering harassing deliveries.
- g. On August 9, 2019, Popp sent the following DMs to Victim 1’s Twitter account:
- “WTF...whats it goin to take for u to answer me??”
 - I guess im goin to have to get ur attention another way bitch...
 - U don’t have the balls to talk to me?? Stop hiding behind ur computer screen u fuckin cunt!!!”
- h. On August 9, 2019, Stockwell used a Protonmail account created for the conspiracy to order online live spiders for delivery to the Victims’ home.
- i. On August 9, 2019, one or more members of the conspiracy ordered a subscription for pornographic magazines in the name of Victim 2 to be sent to the Victims’ neighbors.
- j. On August 9, 2019, one or more members of the conspiracy ordered a pig fetus for delivery to the Victims’ home.¹
- k. On August 10, 2019, one or more members of the conspiracy ordered a Halloween Pig Mask for delivery to the Victims’ home.
- l. On August 10, 2019, Popp sent the following DM to Victim 1’s Twitter account:
- “DO I HAVE UR ATTENTION NOW????”
- m. On August 11, 2019, Popp sent the following DMs to Victim 1’s Twitter account:

¹ The delivery was flagged by the retailer, who called the Victims’ home, asking about their purchase. When the Victims denied making the purchase, it was cancelled.

- “Ur fat fuck pussy husband [Victim 2’s first name] needs to put u in line cunt.”
 - “after he takes the plugs out of his asshole...fuckin pussies!!!”
- n. On August 12, 2019, one or more members of the conspiracy sent a book titled “Grief Diaries: Surviving Loss of a Spouse” to the Victims’ home.
- o. On August 12, 2019, Popp used the “@Tui_Elei” Twitter account to post to Victim 1’s Twitter account “[Victim 1]...wats ur problem with ebay??”
- p. On August 12, 2019, Popp used the “Tui_Elei” Twitter account to post to Victim 1’s Twitter account “many familys including mine make money 2 pay 4 food cloths and rent by selling on ebay...UR stupid idkiot comments r pushin buyers away from ebay and hurtin familys!!! STOP IT NOW!!!”
- q. On August 13, 2019, one or more members of the conspiracy used a prepaid debit card to order a funeral wreath for delivery to the Victims’ home.
- r. On August 14, 2019, one or more members of the conspiracy ordered roaches for delivery to the Victims’ home.
- s. On August 14, 2019, Popp used the @Tui Elei Twitter account to post a public message to Victim 1’s Twitter account, “[First name of Victim 1] wen u hurt our bizness u hurt our familiys...Ppl will do ANYTHING 2 protect family!!!!”
- t. On August 14, 2019, Zea booked hotel rooms at the Ritz Carlton hotel in Boston, Massachusetts and rented vehicles in Boston, Massachusetts.
- u. On August 14, 2019, Baugh, Harville, Zea, Gilbert, and Popp met to discuss the trip to Boston to surveil the Victims.
- v. On August 15, 2019, Baugh, Harville, and Zea flew from California to Boston, Massachusetts.
- w. On August 17, 2019, one or more members of the conspiracy called a Boston, Massachusetts restaurant that is open 24 hours and ordered pizza to be delivered to the Victims’ home at 4:30 a.m., for payment upon delivery.
- x. On August 17, 2019, one or more members of the conspiracy called a suburban restaurant near the Victims’ home and ordered pizza to be delivered at 11:00 p.m.

- y. On August 18, 2019, Popp sent the following DM to Victim 1's Twitter account:
- "U get my gifts cunt!!??"
- z. On August 18, 2019, Popp replied to a public tweet on Victim 1's Twitter account using the @Tui Elei account and stated: "Dis ur address???" The message was followed by information about Victim 1, accurately stating her name, age, address, and telephone number.
- aa. On August 18, 2019, one or more members of the conspiracy posted an advertisement on Craigslist claiming to be a married couple seeking a sexual partner or partners, and providing the Victims' home address.
- bb. On August 20, 2019, one or more members of the conspiracy caused strangers to arrive at the Victims' home by posting an advertisement on yardsalesearch.com that the Victims were "moving out of the country soon and are trying to get rid of as many of our possessions as possible. ... If we are not outside, feel free to knock on the door. Maybe we can make a deal if you see something you like."
- cc. On August 20, 2019, after Twitter suspended the coconspirators' @Tui_Elei account for posting the Victims' home address, Popp created a second Twitter account, @Elei_Tui, and used it to post more threatening messages on Victim 1's Twitter account.
- dd. On August 20, 2019, at Gilbert's suggestion and with COOKE's approval, Popp also created two other Twitter accounts, including one that used the name of a prominent eBay seller. These new accounts, which used an image of a pig mask and an image of a screaming mask as profile pictures, exchanged threatening public tweets about Victim 1 with the @Elei_Tui account, all to give the impression that several eBay sellers were upset with the Victims over the Newsletter's coverage of eBay.
- ee. On August 21, 2019, Popp used two of the Twitter accounts that she had created to have a public "conversation" on Twitter, asking as one what Victim 1's address was, and responding as the other "guest I hav to pay [Victim 1] a visit."
- ff. On August 21, 2019, consistent with the White Knight Strategy, Gilbert called the Victims, identified himself as an eBay employee, and offered eBay's assistance.

- gg. On August 22, 2019, Popp used one of the new Twitter accounts to post “@[Newsletter] 20 yrs of lies n distroin familys... dunt b proud of dat u wurthless BITCH!!! i wil distroy ur family n bizness 2... C how u like it...\n\n@Elei_Tui wen r we goin 2 visit her in natik???”
- hh. On August 23, 2019, one or more members of the conspiracy caused a woman to visit the Victims’ home and identify herself as an “early bird” for a yard sale the next day.

Overview of the Witness Tampering Conspiracy

20. From on or about August 16, 2019 and continuing through at least on or about September 6, 2019, COOKE conspired with Gilbert, Popp, Stockwell, Zea, Harville, Baugh, and others to interfere with the NPD’s investigation by tampering with witnesses.

Object and Purpose of the Witness Tampering Conspiracy

21. The object of the witness tampering conspiracy was to engage in misleading conduct toward law enforcement officers in the NPD with intent to hinder, delay, or prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense. The purpose of the conspiracy was to prevent law enforcement from uncovering the coconspirators’ and eBay’s connection to the cyberstalking campaign and related conduct.

Manner and Means of the Witness Tampering Conspiracy

22. Among the manner and means by which COOKE conspired with Gilbert, Popp, Stockwell, Zea, Baugh, Harville, and others to carry out the witness tampering conspiracy were the following:

- a. making false statements to NPD personnel who were investigating the threatening communications, harassing deliveries, and surveillance of the Victims;
- b. communicating by WhatsApp regarding how to respond to the NPD

investigation;

- c. having Gilbert speak, email, text message, and meet with the NPD, to deflect through false statements any connection between eBay and the cyberstalking campaign;
- d. creating and sending to Gilbert a “dossier” of documents that he could use in an NPD meeting, both to support the White Knight Strategy and to deflect investigative attention from eBay;
- e. Exchanging ideas as to how best to thwart the NPD investigation, including creating false suspects, continuing the harassing deliveries, fabricating cover stories, and intervening with any San Jose area police that the NPD contacted to further its investigation; and
- f. Deleting the contents of cell phones, text messages, and social media accounts that evidenced the cyberstalking campaign and the defendants’ and coconspirators’ efforts to obstruct the NPD investigation.

Overt Acts in Furtherance of the Witness Tampering Conspiracy

23. From on or about August 16, 2019 and continuing through at least September 6, 2019, COOKE, Gilbert, Popp, Stockwell, Zea, Baugh, Harville, and others committed and caused to be committed the following overt acts, among others, in furtherance of the conspiracy:

- a. On August 21, 2019, Zea and Baugh made false statements to an NPD detective who arrived at the Boston hotel (where the surveillance team was then staying) to investigate Zea and Harville’s connection to the cyberstalking campaign.
- b. On August 21, 2019, COOKE, Gilbert, Baugh, and Popp made the following statements in a group discussion over WhatsApp:
 - Gilbert: “The more I thought about it I do think we should bring a dossiers on the [Victims] to the PD. Definitely want to make them look crazy.
 - Baugh: “I agree.”

* * *

- Popp: “Copy re dossiers”

* * *

- Baugh: “We burned another [surveillance car] two days later, but again there was no cause and they can’t prove anything. They are seeing ghosts right now.”
- Baugh: “Lol.”
- COOKE: “Perfect!”
- Baugh: Natick detective is in lobby looking for Ronnie [Zea]. I’ve taken her away from hotel headed to airport. Detective called her cell. I answered just now as her husband and played dumb. Told him if he had questions he could talk to me.
- Gilbert: Copy. She used just [name of eBay contractor] stuff no eBay?
- Baugh: Correct.
- Popp: But her LinkedIn says EBay so I told her to take it down in case they do social media search.

* * *

- Gilbert: “Ronnie was driving around looking for antiques. Must have got lost and they picked up her plate by accident. Can they visually identify her?”

* * *

- Baugh: “They cannot ident her...I spoke with investigator. He was polite and clueless.”
- COOKE: “Perfect”

- Gilbert: “Good. This is fine. The cops obviously have nothing else to do in Natick. We know the targets have been very impacted by this op. Perfect time for next phase.”

COOKE: “Yes!”

- Baugh: “Bring out bad boy out please; these people are wasting our time. It’s go time.”

c. On August 21, 2019, Gilbert, who was on a plane bound for Boston, spoke, text messaged, and emailed with the law enforcement officer who was handing the investigation into the harassment of the Victims. Gilbert falsely claimed not to know Zea or Harville and falsely stated that he had to travel to Toronto and New York but would instead attempt to come to Boston to meet with the NPD.

d. On August 21, 2019, after Gilbert spoke to the NPD, COOKE, Gilbert, Baugh, and Popp made the following statements in a group discussion conducted over WhatsApp:

- Gilbert: “If asked tomorrow who is Ronnie supervisor? Just in case they want to verify what I’m saying.”
- Baugh: “On the ebay side, it’s Stockwell; however...technically, it would be [Contract Supervisor].”
- Gilbert: “I guess I should say who do we want it to be? I’m leaning toward [Popp] being the person if the detectives want to verify my story about [Zea].”
- Baugh: “Yep. I agree[.] [Popp] would have been the one requesting that she verify that the [Victims’] address posted online is a real address[.] Or use me.”
- Gilbert: “I’m going to push the idea that ebay is a massive company and have no interest in the [Victims.] The idea we would send shit to their house is ridiculous.”
- COOKE: “Agreed. No mention of [Contract Supervisor] in my opinion and [Popp] can handle this well.”

e. On August 21, 2019, after learning that the NPD was investigating a prepaid debit card obtained in Santa Clara and used to send pizza to the Victims,

Baugh and Popp directed Stockwell to prepare a list of eBay “Persons of Interest” in the San Francisco Bay Area that could be used (as part of Gilbert’s “dossier”) to deflect attention from Zea.

- f. On August 21, 2019, Stockwell created the document that Baugh requested for Gilbert’s “dossier”—“Bay Area POIs_August 2019.docx”—and emailed it to Popp and Baugh, who immediately emailed it on to Gilbert for use in the NPD meeting.
- g. On August 21, 2019, COOKE, Gilbert, Baugh, and Popp made the following statements in a group discussion over WhatsApp:
- COOKE: “Copy all. Good plan and cover. Brian, important to be convincing so they don’t start looking to find video of who purchased the gift cards. Don’t think they would go that far but is a little concerning. If I was the Detective I would ask you for a local PD [contact] to go get video. Might want to have a friendly in mind.”
- ***
- Gilbert: “I was thinking the same thing. If they bring it up I might volunteer to assist with that. Then we can control the local cop and maybe provide a video from a different Santa Clara Safeway.”
 - COOKE: [Two thumbs up emojis]
 - Baugh: “They were in a bit of a disguise when they bought them. Would be a lot of work and extremely hard to prove.”
 - COOKE: “Perfect”
- h. On August 22, 2019, Gilbert and another eBay employee met with three members of the NPD. During the meeting, Gilbert falsely stated that:
- Zea and Harville had come to Boston to attend a conference;
 - Gilbert was not aware of the harassment of the Victims but was willing to assist in the investigation.
 - Popp was Zea’s supervisor; and
 - Popp had assigned Zea to a Person of Interest investigation regarding the Victims, and that Zea had driven to Natick “on her

own”.

- i. On or after August 26, 2019, Zea, Harville, Popp, Gilbert, and others deleted and attempted to delete data from their phones that evidenced the cyberstalking and obstruction conspiracies, including the WhatsApp messages.
- j. On or about September 6, 2019, Popp posted five new Tweets to one of the Twitter accounts that the defendants and their coconspirators had used to harass the Victims, to suggest that those responsible for harassing the Victims were still at large.

COUNT ONE
Conspiracy to Commit Cyberstalking
(18 U.S.C. § 371)

The U.S. Attorney charges:

24. The U.S. Attorney re-alleges and incorporates by reference paragraphs 1 through 23 of this Information.

25. From on or about August 5, 2019, and continuing through at least August 23, 2019, in the District of Massachusetts and the Northern District of California, the defendant,

PHILIP COOKE,

conspired with Jim Baugh, Stephanie Popp, David Harville, Brian Gilbert, Stephanie Stockwell, Veronica Zea, and others known to the United States Attorney to commit an offense against the United States, to wit, cyberstalking, that is, to, with intent to harass and intimidate, use an interactive computer service and an electronic communications service and electronic communication systems of interstate commerce, and any other facility of interstate and foreign commerce, specifically Twitter messages, online delivery orders, and online postings, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to Victims 1 and 2, in violation of 18 U.S.C. § 2261A(2)(B).

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
Conspiracy to Tamper with a Witness
(18 U.S.C. § 371)

The U.S. Attorney further charges:

26. The U.S. Attorney re-alleges and incorporates by reference paragraphs 1 through 23 of this Information.

27. From on or about August 16, 2019 and continuing through at least September 6, 2019, in the District of Massachusetts and the Northern District of California, the defendant,

PHILIP COOKE,

conspired with Jim Baugh, Stephanie Popp, David Harville, Brian Gilbert, Stephanie Stockwell, Veronica Zea, and others known to the U.S. Attorney to commit an offense against the United States, to wit, obstruction of justice through tampering with a witness, that is, to knowingly engage in misleading conduct toward another person, to wit, law enforcement officers of the Natick Police Department, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, in violation of 18 U.S.C. § 1512(b)(3).

All in violation of Title 18, United States Code, Section 371.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By:



DAVID J. D'ADDIO
SETH B. KOSTO
ASSISTANT UNITED STATES ATTORNEYS
DISTRICT OF MASSACHUSETTS

July 7, 2020